country, *Rahmel v. Lehndorff*, 142 Cal. 681; *Weeks v. McNulty*, 101 Tenn. 495, holds that a hotel keeper is not an insurer of the person of his guests, but he is only bound to exercise reasonable care in their behalf; *Evansville & T. H. R. Co. v. Griffin*, 100 Ind. 221; and the duty cannot be delegated so as to relieve the hotel keeper from liability for non-performance. *Statt v. Churchill*, 36 N. Y. Supp. 476. This seems to be the general rule. *Goddard on Bailments & Carriers*, Sect. 179; *McHugh v. Schlosser*, 159 Pa. St. 480. For unwarranted assaults by his servants he is liable; *Overstreet v. Moser*, 88 Mo. App. 72; but only when done in the discharge of the particular duties for which they are employed, *Little Miami R. Co. v. Wetmore*, 190 Ohio St. 110; *Keith v. Lynch*, 19 Ill. App. 574. *Contra*: *Schouler on Bailments*, Sect. 323. The decision in this case is in line with the tendency of modern legislation, which is to enlarge the responsibility of the master in favor of the servant. *Pennsylvania Co. v. Weddle*, 100 Ind. 138.

LICENSE—REVOCATION—MILLER AND LUX V. KERN COUNTY LAND CO., 99 PACIFIC, 179 (CAL.).—Where license was granted and the grantee entered and expended a large sum of money in consequence thereof, it was *held*, that the license was irrevocable. Beatty, C. J., *dissenting*.

It is generally held that a license is revocable at the will of the grantor. *Lambe v. Manning*, 171 Ill. 612. *Fleeker v. Rye & Banking Co.*, 81 Ga. 461; *Brown v. New York*, 78 N. Y. App. 361. Some courts modify this rule by holding that where expense is incurred by the grantee the license is turned into an agreement that equity will enforce. *Dark v. Johnson*, 55 Pa. St. 164. In many of these cases slight expense has been considered sufficient to make the license irrevocable. *Simons v. Moorehouse*, 88 Ind. 391. Other courts, however, have held that slight expense is not enough. *Wiseman v. Lucksinger*, 84 N. Y. 31. Many courts hold that the license may be revoked, even though the grantee has expended time and money in reliance upon it. *Turner v. Mobile*, 135 Ala. 73; *Lumber Co. v. Wilson*, 119 Mich. 406. Some courts allow the license to be revoked upon compensation being made to grantee for expenditures made by him. *Snowden v. Willas*, 19 Ind. 10; *Hall v. Chaffe*, 13 Vt. 150. In all cases where the grantor is not allowed to revoke the license after the grantee has incurred expense, the decisions are based upon the doctrine of estoppel. *Clark v. Glidder*, 60 Vt. 702; *Tufts v. Capen*, 37 W. Va. 623.

MASTER AND SERVANT—CHOICE OF DANGEROUS METHOD—NEGLIGENCE.—BRADY V. FLORENCE & C. C. R. CO., 98 PAC. 321 (COLO.).—*Held*, that the choice of the more dangerous of two methods of work by a servant does not constitute negligence, if in doing so he does not disobey instructions or rules, acts in good faith, and the method chosen might have been adopted under like circumstances by a prudent man. Goddard and Bailey, JJ., *dissenting*.

The facts in numerous cases have lead the courts to say that when a man chooses a dangerous method of performing a duty, he is guilty of

contributory negligence as a matter of law. *Atchinson, T. & S. F. R. Co. v. Tindall,* 57 Kan. 719; *Quirouet v. Alabama Great Southern R. Co.,* 111 Ga. 315. The above is well illustrated in *Lothrop v. Fitchburg R. Co.,* 150 Mass. 423, where the court held as a matter of law that a brakeman, who, in attempting to couple from the north side of the track two flat cars of timbers, which on that side dangerously projected toward each other, was killed by having his head caught between the timbers, did not exercise due care, as the danger would have been avoided if he had stooped or coupled from the south side of track. In other jurisdictions, different facts have caused the courts to hold that the adoption of a dangerous way of accomplishing a task when a safe way is open to him is not necessarily negligence, but is a question of fact for the jury. *Gibson v. Burlington, C. R. & N. Ry. Co.,* 107 Ia. 596; *Norton Bros. v. Sczpurak,* 70 Ill. App. 686; *Flutter v. N. Y., Chicago & St. L. R. Co.,* 27 Ind. App. 511.

MASTER AND SERVANT—INJURY TO SERVANT—FELLOW SERVANTS—CONTRIBUTORY NEGLIGENCE.—DAVIDSON V. FLOUR CITY ORNAMENTAL IRON WORKS, 119 N. W. 483 (MINN.).—The duties of an operator required him to change the emery wheels from time to time to meet the exigencies of the work, and in making these changes it was necessary to remove a guard. This he negligently failed to replace, and the revolving wheel injured respondent. *Held,* that the operator and respondent were not fellow servants, that the defenses of contributory negligence and assumption of risk were not applicable, and that appellant was responsible for failure to maintain the guard. Elliott, J., *dissenting.*

It has been held that all serving a common master and working under the same control, deriving their authority and compensation from the same source, and engaged in the same business, although in different departments, are fellow servants and take the risk of each other's negligence. *N. & W. R. R. Co. v. Donnelly,* 80 Va. 853. And that the master's liability depends on his exercise of reasonable care to ascertain the competency of his servant, whose negligence caused the injury to the other servant. *Nordyke & Marmon Co. v. Van Sant,* 99 Ind. 188; *Norfolk & W. R. Co. v. Nuckols,* 91 Va. 193. But by the weight of authority the true test to determine whether the negligent act causing the injury is chargeable to the master, is, was the negligent employee in the performance of the master's duty, or charged therewith? If so his negligence is that of the master and the latter is liable, otherwise it is theact of a co-servant. *Colley on Torts,* Stud.'s Ed. 553; *Lewis v. Serfert,* 116 Pa. 628. Another test is, did the injury result from the negligence in performing personal duties, which the master cannot delegate. *Koosorowska v. Glasser,* 8 N. Y. Supp. 197; *Enright v. Olliver & Burr,* 69 N. J. L. 357.

MASTER AND SERVANT—PERSONAL INJURIES—"RES IPSA LOQUITUR"—KEENAN V MCADAMS & CARTWRIGHT E. CO., 113 N. Y. Supp. 343.—*Held,* that the rule of *res ipsa loguitur* cannot be applied, where no negligence